REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 25, 26 and 28-30 are pending. Claims 25, 26 and 30 are independent. Claims 25, 26 and 28-30 are hereby amended. Claims 1-24 and 27 are canceled, without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e) and 103(a)

Claims 25, 26, 28 and 30 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Excel 2000 Advanced.

Claims 25-30 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Excel 2000 Advanced in view of Dynamic Numerical Models to Takayasu et al.

Applicants note that the copyright notice of the Excel 2000 is 1999, and without further evidence of an earlier date, Applicants assume it is not prior art to Applicants priority date of July 8, 1999.

Claim 25 recites, *inter alia*:

"A fluctuation predicting device...comprising...

indicating means for indicating a fluctuation of the real time-sequence data by using a relationship established between a pair of a first and a second parameter in selected one of the theoretical models in the selection means;

wherein the theoretical model of the correlation function is generated based on the following:

the real time-sequence data having an equilibrium point;

the equilibrium point is provided based on value and by multiplying the first parameter to a recent change value of the real time-sequence data; and

a value of the real time-sequence data after a time Δt is provided based on a value provided by multiplying the second parameter to a difference between a value of the real time-sequence data in a current time t and the equilibrium point." (emphasis added)

As understood by Applicants, Excel 2000 Advanced relates to a collection of data analysis tools comprised of macros and functions suited to financial and statistical analysis.

As understood by Applicants, Takayasu et al. relates to a variant of threshold dynamics introduced to model the behaviors of a large assembly of dealers in a stock market.

At least one difference between the present invention and the references applied by the Examiner is a method for determining a second parameter. The second parameter is expressed as "B(t)." In the references applied by the Examiner, the parameter B(t) is given by uniform random numbers (page 233, line 28). In contrast, in the present invention, B(t) is acquired by the following method. The method comprises the steps of (1) preparing theoretical

models of correlation functions of fluctuations, where each model includes candidates of B(t), (2) acquiring sampling data by sampling a local portion of real data, (3) generating a real correlation function based on the sampling data, and (4) selecting one of the theoretical models of step (1) that best matches the real correlation function generated in step (3), and determines B(t) from this model. This method indicates the fluctuation of the data by using the relationship established between a pair of a first parameter A(t) and a second parameter B(t). Therefore, if B(t) is given by uniform random numbers, as in the references applied by the Examiner, it would be impossible to indicate or determine the fluctuation of the data, as recited in the independent claims.

Applicants submit that Excel 2000 Advanced and Takayasu et al. - taken either alone or in combination - do not teach or suggest the above-identified features of claim 25. Specifically, Applicants submit that there is no teaching or suggestion of indicating means for indicating a fluctuation of the real time-sequence data by using a relationship established between a pair of a first and a second parameters in selected one of the theoretical models in the selection means, as recited in claim 25. Therefore, Applicants submit that independent claim 25 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 25, amended independent claims 26 and 30 are also believed to be patentable.

Therefore, Applicants submit that independent claims 25, 26 and 30 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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